

Justin Harkins  
490 N. 31<sup>st</sup> Street, Suite 500  
P.O. Box 2529  
Billings, MT 59103-2529  
Telephone: (406) 252-3441  
Facsimile: (406) 256-0277  
jharkins@crowleyfleck.com

July 14, 2021

Todd Netto  
Montana DNRC Glasgow Regional Office  
P.O. Box 1269  
Glasgow, MT 59230-1269

RE: Withdrawal of Beneficial Water Use Permit No. 40S 30119937

Dear Mr. Netto:

On March 16, 2021, David A. Vogler, Hearing Examiner at the Department of Natural Resources and Confirmation, issued a Final Order granting TransCanada Keystone Pipeline, LP's ("TransCanada") Application for Beneficial Water Use Permit No. 40S 30119937. That permit allows TransCanada to divert and put to beneficial use water from the Missouri River for the purpose of constructing and testing the Keystone XL pipeline, subject to terms and conditions set forth in the permit and in the Final Order.

On January 20, 2021, President Biden issued an executive order revoking a Presidential Permit necessary for the completion of Keystone XL. On June 9, 2021 TransCanada's parent organization, TC Energy Corporation, confirmed its decision with the Government of Alberta to terminate the Keystone XL project. Accordingly, TransCanada seeks to withdraw Permit No. 40S 30119937.

Enclosed with this letter is an executed Request to Withdraw a Water Right form, which we understand to be the form necessary to accomplish the goal of withdraw Permit No. 40S 30119937. If you need anything further, please do not hesitate to contact me.

Sincerely,

CROWLEY FLECK PLLP



JOHN W. (JUSTIN) HARKINS IV

**REQUEST TO WITHDRAW A WATER RIGHT / EXEMPT NOTICE**

For Provisional Permits, Groundwater Certificates, or Exempt Notices

JUL 6 2021  
July 6 2021DNRC Water Resources  
Chicago Regional Office  
Glasgow, RO

ALL WATER RIGHT / EXEMPT NOTICE OWNERS MUST SIGN THIS FORM

I/we, TransCanada Keystone Pipeline, LP,hereby request the withdrawal of water right / exempt notice no. 40S-30119937.

The reason for this request is:

- ☒ This water right was never completed or put to use.
- ☐ This water right has not been used for \_\_\_\_\_ years.
- ☐ This filing is an exempt notice and I no longer want to be notified by DNRC of any water right applications in the area -or- I am filing a Statement of Claim which duplicates this notice. *\*If marking this box, you do NOT need to notarize this form.*
- ☐ Other \_\_\_\_\_

As legal owners of this water right, I/we request this right / exempt notice be terminated. *If withdrawing an exempt notice, you do not need to notarize this form.* All other withdrawals must be notarized.

Signature

Date

Signature

Date

Signature

Date

State of Montana

County of YellowstoneSigned or acknowledged before me on July 14, 2021by Justin Harkins

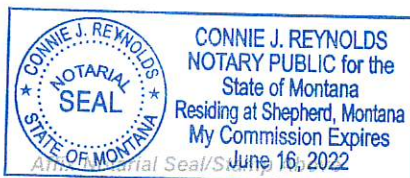
Notary's Signature

Notary's Name (Printed)

Notary public for the State of

Residing at

My commission expires



Return form to your local DNRC Water Resources Office or mail to: DNRC / PO Box 201601 / Helena MT 59620

**Note:**

If you withdraw your water right it will not be a valid water right. It means you have no legal right to use or enforce the water right against other water users.